

REMARKS

Upon entry of the amendments, claims 1-10 will be pending in the application. No new matter is incorporated by this Amendment. This Amendment does not require any further searching or consideration as the meaning of frequency band was set forth in the application.

Claim Rejections – 35 U.S.C. § 103

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Proehl et al. (U.S. Pat. No. 6,532,589) in view of Shaheen et al. (U.S. Pat. No. 6,374,109). Applicants respectfully traverse this rejection.

In the Office Action, it was asserted that Proehl teaches every feature of the claimed invention except for determining whether the frequency band of the reserved program can be allocated. It was further asserted that Shaheen discloses whether the frequency band of the reserved program can be allocated. It was thus concluded in the Office Action that it would have been obvious to combine the teachings of Proehl and Shaheen to arrive at the claimed invention.

Applicants respectfully urge that the claimed invention is patentably distinct from the cited prior art. Claim 1 has been amended to expressly recite the meaning of “frequency band” in the present application, i.e. that frequency band refers to bit rate. For example, page 14 of the specification discusses frequency band 703 in terms of bits per second. The frequency band discussed in the present specification thus refers to bit rate. Applicants advise that, in MPEG-2 data compression, the bit rate varies according to complication degree of each scene. Indeed, bit rate varies even during the same

broadcast program. In the present application, specific examples of bit rate are given as 70 Mbps or 100 Mbps. ^{Again,} Reference is made to page 14, lines 1-6 of the present application.

Applicants' invention, as described in independent claim 1, concerns a resource reservation management apparatus for an AV network that manages equipment resources connected to the network. The apparatus includes frequency band information processing means for acquiring frequency band (bit rate) information of the broadcast program. It also includes frequency band (or bit rate) resource management means for performing time management of the frequency band resource of the AV network by using a resource reservation management table. As pertains to these elements of Applicants' claimed apparatus, Applicants submit that Proehl fails to teach, hint, or suggest anything more than obtaining channel information, such as the channel number, channel name, logo ID, and data ID. See Column 5, Lines 35-55. Although Applicants' arrangement can locate a channel (an idle channel, for instance, see Applicants' specification at page 12, second full paragraph), the present invention distinguishes between channel information and frequency band (bit rate) information. As described in the claims, the claimed invention relies on this bandwidth information for control of the apparatus. Applicants believe that Proehl neither teaches nor fairly suggests obtaining frequency band (bit rate) information, or the claimed controller.

Applicants believe that the failings of Proehl are not alleviated upon consideration of Shaheen. In contrast to the claimed invention, the frequency band of Shaheen refers to broadcast frequency. For example, the 800 MHz band (810 MHz to 828 MHz) in Shaheen is directed towards the broadcast frequency of a wireless/cellular phone system,

not the bit rate of a broadcast program. Therefore, the present invention is quite different from the teachings in Shaheen.

Applicants' invention has a frequency band information processing means for acquiring the frequency band or bit rate information of the broadcast program. In contrast, Shaheen's apparatus reserves a particular frequency band (i.e. 800 MHz) for a wireless/cellular phone system. Shaheen neither teaches nor fairly suggests acquiring the frequency band information of a particular broadcast program. Hence, even if properly combinable (and Applicants do not admit that Proehl and Shaheen are properly combinable), the teachings of Proehl and Shaheen fail to teach or fairly suggest the claimed invention. Moreover, Applicants do not believe that the Examiner has provided sufficient motivation for the proposed modification. The Examiner's motivational statement does not appear to be based on disclosure appearing in the cited patents, rather it appears to be based on conjecture or that it would be "obvious to try." Applicants submit that one of ordinary skill in the art would not have attempted to modify the program guide of Proehl with the frequency band management of a cellular phone system as disclosed in Shaheen. Further, in Applicants view, the person of ordinary skill in the art would not have had a reasonable expectation of success in such modification.

Reconsideration and withdrawal of the rejections are respectfully requested.

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Applicants respectfully await allowance of the application. If an extension of time is necessary that is not accounted for in the papers filed herewith, such an extension is requested. If any fees are due in connection with this filing, please charge the fees to

Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

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Signature:



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